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THE CITY OF



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July 28, 2009

The Honorable Carl Levin
United States Senator
269 Russell Office Building
U.S. Senate
Washington, D.C. 20510-2202

Dear Senator Levin:

*Concern
potential
for contamination*

I am sending this letter in reference to current Federal administrative activities relative to the Allied Paper Inc., Portage Creek/Kalamazoo River Superfund Site at the former Allied Paper Disposal Site located within the City of Kalamazoo. As you may recall from earlier correspondence, the Allied Disposal Site falls within a State of Michigan Department of Environmental Quality (MDEQ) designated Well Head Protection Zone for one of the major well fields serving the Kalamazoo area. My concern is the potential for groundwater contamination from the site impacting the City's well field at some point in the future. More specifically, I want the City to be assured that any selected remedial action will provide long term protection against such a possibility.

You were sent correspondence in April 2007 in which the City of Kalamazoo expressed concern that the United States Environmental Protection Agency (USEPA) Region V had proposed disposal of an estimated 132,000 cubic yards of PCB contaminated sediment from the Kalamazoo River at the Allied Site. Thanks to your intervention and that of your colleagues, as well as a number of local civic and environmental organizations, USEPA and MDEQ recanted and decided that it would be more prudent to transport the PCB contaminated sediment to a licensed landfill instead.

*Review but
not
commenting*

The City's involvement in the Superfund process is unprecedented and can only be attributed to the level of local support and the strong support received from you and your legislative colleagues. Consequently, USEPA had decided two years ago to try to make the process more open to public opinion by allowing review and comment to the Remedial Investigation (RI) and Feasibility Study (FS) for the Allied Site which are the developmental documents leading to the selection of remedial action. The City has committed considerable resources in reviewing documents, generating technical comments and participating in meetings and teleconferences. City staff has also worked closely with local civic and environmental organizations on the issue.

No.
does not
ignore it.
failed to
characterize
site?

In collaboration with our consultant, NTH Consultants, Ltd. of Northville, Michigan, the City submitted a comprehensive report dated September 17, 2008 to USEPA Region V critiquing the RI, which effectively ignores the possibility of impact to the City's well field. City staff also strongly posits that the RI has other shortcomings that are also identified in our report. The City's submittal has gone unanswered to date. Furthermore, we have concluded that the RI is incomplete because it has fundamentally failed to meet the purpose of an RI, which is to accurately characterize the site so that it can be assessed for all potential risks to human health and the environment.

dismissed
comments?

The City was somewhat hopeful when USEPA Region V personnel requested the responsible party to develop a ground water work plan to address the potential for offsite migration. However, the City and its consultant provided a number of technical review comments to that work plan that, as in the RI, pertained to areas where the proposed scope of work needed to be enhanced in order for the study to meet current best practices when investigating a site for the possibility of offsite contamination. For the most part, our comments were again dismissed.

Not
input
new
comments

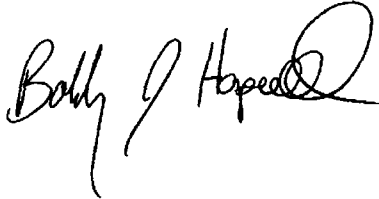
It appears that City staff has been allowed to review documents, participate in meetings and even submit technical review comments; however, there have been no substantive enhancements to the RI to reflect the City's concerns. At this point, the RI doesn't adequately address the potential for offsite contaminated ground water migration from this site to the City's well field and potentially to the public's tap water. In essence, a site remediation method could be selected that would not effectively protect offsite ground water resources such as our well field from PCB contamination on a long term basis.

Not
address
concerns.

I feel strongly that our concerns are going unaddressed by USEPA Region V staff and that public health is being put at risk. The City has provided constructive technical comments that, if addressed, would make the RI a document that would be rooted in good science and could be supported by the public, regulators, elected officials and scientists. I had hoped that by allowing this unprecedented opportunity to provide sound technical review comments, a remediation method could be chosen that would provide the city with a long term solution that would assure protection of our valuable natural groundwater resources. Unfortunately, I find myself in the position of again asking for your help to intervene once more on the City's behalf to cause the USEPA Region V staff to directly address the City's many concerns that have been submitted in writing over the past two years. I am asking that USEPA Region V develop an overall remediation plan that the City can assure its many citizens that the remedial action to be implemented will be protective of their health and the environment on a long term basis. As of yet, City staff and I have not yet reached this level of comfort.

I appreciate your time and willingness to help the citizens of Kalamazoo be assured of safe drinking water in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobby J. Hopewell". The signature is fluid and cursive, with a large, stylized "B" and "H".

Bobby J. Hopewell
Mayor

C: Hon. Debbie Stabenow, U.S. Senate
Hon. Fred Upton, U.S. House of Representatives
Hon. Jennifer M. Granholm, Governor
Hon. Robert B. Jones, State of Michigan House
Hon. Tom George, State of Michigan Senate
Bharat Mathur, Acting Administrator, EPA Region V
Michael Berkoff, U.S. EPA Region V
Steven E. Chester, MDEQ
Paul Bucholtz, MDEQ
Daria Devantier, MDEQ
Scott Ross, MDEQ
James Cleland, MDEQ
Kalamazoo City Commission
Kenneth P. Collard, City Manager
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